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**SOCIEDAD PANAMENA DE INGENIEROS Y ARQUITECTOS (SPIA)**  
[PANAMANIAN ASSOCIATION OF ENGINEERS AND ARCHITECTS]

ADDRESS:

AVENIDA MANUEL ESPINOSA BATISTA  
ATENEO BUILDING OF SCIENCES AND ARTS  
PANAMA CITY, REPUBLIC OF PANAMA

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TELEPHONES:

264-0749  
269-7734  
269-7735

FAX:

223-7265

POSTAL ADDRESS:

P.O. BOX 7084, ZONE 5, PANAMA

EMAIL:

[Rchanis@panama.c-com.net](mailto:Rchanis@panama.c-com.net)

## EXECUTIVE SUMMARY

The Sociedad Panamena de Ingenieros y Arquitectos, through a Special Committee, conducted an analysis of the implications of a free trade area based on the Ministerial Declaration of San Jose on the Professional Services of Engineering and Architecture, and it presents some recommendations.

Given that in the countries that shall comprise the FTAA there are different accreditation systems and procedures, codes of ethics and technical rules for the different professional practices, the first step in achieving a hemispheric free trade area in conditions of certainty and transparency would be the legal authorization of said systems, codes and rules.

The participation of inter-governmental and competent non-governmental organization with a view towards the recognition and adoption of common international rules and criteria is important.

It is important that steps be taken to protect morality and that public order be maintained; to protect the life and health of persons and animals or to preserve plant life; measures necessary to prevent practices that may lead to errors and fraudulent practices or measures to deal with the effects of breaches of service contracts and security must prevail.

Due to the aforesaid, there is a need to implement special measures on the part of the Members of the FTAA, in which case the establishment of multilaterally agreed on criteria for the recognition and certification of professional service providers or the granting of licenses to same would be indispensable, maintaining conditions of protection of the life and health of persons, morality and good professional practice customary in our countries.

We think that to comply with WTO provisions so that the measures pertaining to prescriptions and procedures on the subject of certificates of ability and the technical rules and prescriptions on the subject of licenses do not constitute unnecessary obstacles to the trade in services, under conditions that guarantee sound professional practice; criteria that should be multilaterally agreed on should aim at the establishment of special licenses for the professional practice of each specialization in the international (or regional) sphere, under conditions of recognition of academic degrees under the same conditions for all FTAA Members, plus proven experience in the professional practice, and evaluation of the service providers that aspire to said special license. All this under standards of excellence that guarantee the quality of the professional services in the international (or regional) sphere and which prevent the moving of unqualified service providers, who do not guarantee sound professional practice in the same conditions or who do not comply with minimal competency standards (ability to provide a service).

-2-

With respect to the conditions that [apply] on the subject of professional accreditation, preparation of rules and criteria for granting licenses and certifications to professional service providers, the position of our association is that the determination of these requirements should be established by common agreement by the analogous Professional Associations (non-governmental organizations) of the Member countries, such that the exchange of professional services is based on conditions of professional excellence as a guarantee of ability to render professional services in a true relationship of equity, and is supported by the requirements of education, experience, professional ethics, local awareness and consumer protection indispensable for the proper exercise of the professions of architect and engineer.

Maintaining measures necessary for the prevention of practices that may lead to errors and fraudulent practices, or the means for dealing with the effects of breach of service contracts must be accompanied by the mechanisms necessary to delineate responsibilities and determine the actual ability of service providers who, in spite of said preventive measures, have a responsibility for defects in the services rendered and/or professional malpractice.

We think that the practice of architecture and engineering within the FTAA can only be authorized once effective mechanisms for the prevention and punishment of professional malpractice are established, because, with respect thereto in our country, in spite of the legislation in effect, some cases have already occurred in which professional services have been contracted from foreigners, with negative results on the safety and health of persons, the foreign service providers being unable to have the ability required.

Implementation of existing mechanisms that regulate the temporary entry of foreign service providers must be insisted on, such that same comply with the requirements exacted by the national laws in effect on the subject of competence, registration of individuals or corporations with the competent offices, payment of taxes, etc.

Finally, we should reflect on what the proper professional practice of architects and engineers represents in terms of the objectives of professional practice regulation; and let us remember that the authority to give licenses to all those who practice a profession is the only effective means of stipulating basic qualifications (competency), regulating conduct (ethics) and guaranteeing the integrity of the entire profession.